

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-cv-00074-FL

SIMONA BARNES,)
Plaintiff,)
v.) ORDER
)
MARTIN O'MALLEY¹,)
Commissioner of Social Security,)
)
Defendant,)

)

This matter is before the court on Plaintiff's Motion for Judgment on the Pleadings and Defendant's Motion for Remand to the Commissioner for Further Administrative Proceedings. Plaintiff's counsel has been contacted regarding the Government's Motion for Remand and consents to the Remand.

Accordingly, for good cause shown, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). Upon remand, the Appeals Council will refer Plaintiff's case to an Administrative Law Judge ("ALJ"), who will offer the claimant the opportunity for a new hearing, take any further action needed to complete the administrative record, and issue a new decision.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 43(c)(2) of the Federal Rules of Appellate Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in the suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 19th day of July, 2024.


LOUISE W. FLANAGAN
United States District Judge